

OFFICE OF THE CHILD'S REPRESENTATIVE



**STRATEGIC PLAN
NOVEMBER 1, 2012**

LINDA WEINERMAN, EXECUTIVE DIRECTOR

1580 Logan Street, Ste. 340, Denver, CO 80203
303.860.1517

www.coloradochildrep.org

I. AGENCY OVERVIEW

A. MISSION STATEMENT

The mission of the Office of the Child's Representative (OCR) is to provide competent and effective legal representation to Colorado's children involved in the court system because they have been abused and neglected, impacted by high conflict parenting time disputes, or charged with delinquent acts and without a parent able to provide relevant information to the court or protect their best interests during the proceedings. As a state agency, the OCR is accountable to the State of Colorado to achieve this mission in the most cost-efficient manner without compromising the integrity of services or the safety and well-being of children. The OCR is committed to ensuring that children represented by its contract attorneys, Colorado's most vulnerable and marginalized population in the courts, receive the best legal services available to protect and promote their safety and well-being and to have their voice heard throughout all aspects of a case.

B. GUARDIAN *AD LITEM* SERVICES PROVIDED BY THE OCR

Court-appointed attorney guardian *ad litem* (GAL) service is a mandated service that must be provided to children; as such, this service is not discretionary. Section 19-3-203, C.R.S. states the court shall appoint a GAL in every dependency and neglect (D&N) case; §19-1-111, C.R.S. requires the court to appoint a GAL in delinquency (JD) matters and other case types when it is necessary to serve the child's best interests; and §14-10-116, C.R.S. requires the state to bear all costs in a parental responsibility case of a Child's Legal Representative (CLR) or Child and Family Investigator (CFI) appointment if the parties are indigent. All services provided by the OCR are attorney services; the Judicial Department oversees non-attorney and private pay attorney CFI appointments.

In D&N proceedings, a GAL is required to **independently** represent and advocate for each child's best interests. Although only one GAL is generally appointed to each case, cases typically involve several children. The attorney is required to immediately meet with all children in the case; visit each child's placement (which could be different for each child and could change several times during the life of the case); visit children's homes and schools; consult with each child in a developmentally appropriate manner; consult with professionals, such as physicians and psychologists; review the case files from social services; assess the safety of parents and placements; attend staffings; file motions; subpoena witnesses; participate in court proceedings; inform the court of the child's position on each matter before the court; recommend appropriate treatment for children and parents; litigate all phases of the case, including contested adjudicatory jury trials and termination of parental right hearings; and monitor the case until a child has attained permanency in a safe and appropriate home, either through return home, adoption, or some other arrangement.

OCR attorneys also represent the interests of children in adoption, probate, delinquency, paternity, domestic, and mental health matters when best interests representation is deemed

necessary. The role and responsibilities of attorneys in these cases are similar to those of a GAL in a D&N case. In all case types, the GAL is appointed to independently investigate, make recommendations that are in the best interests of the child, and advocate on that child's behalf.

The OCR contracts with approximately 230 licensed attorneys to provide mandated GAL services, as well as three pilot staff offices employing approximately 20 attorneys and 15 social work staff (See Section D.2, page 3). The OCR also oversees the OCR El Paso GAL Office in the 4th Judicial District. This office employs 13 attorney and five social work FTE staff. (See Section D.1, page 3). OCR attorneys are specially trained on the law, social science research, and best practices relating to issues impacting children involved in court proceedings.

C. OCR'S MANDATES

OCR Creation: The legislation enacting the OCR, House Bill 00-1371, established a statewide program to improve the provision of legal services for children and to address the unique needs of legal representation of children in Colorado. At the time of the OCR's creation, the General Assembly had serious concerns about the subpar quality of representation provided to children in Colorado. Concerns included: financial barriers to the necessary frontloading of services or ongoing dedication of the proper amount of time to cases; high GAL caseloads impairing appropriate case preparation and investigation; insufficient meaningful interaction by GALs with children in their environment; and a lack of participation by GALs in court.

OCR Mandates: The statute creating the OCR sets forth its comprehensive mandate to ensure enhanced best interests legal representation of children who come into contact with Colorado's court system, as well as a list of specific mandates necessary to the accomplishment of this goal. The OCR's statutory mandates include:

- Improve quality of best interests attorney services and maintain consistency of best interests representation statewide.
- Provide accessible training statewide for attorneys.
- Provide statewide training to judges and magistrates.
- Establish minimum training requirements for all attorneys representing the best interests of children.
- Establish minimum practice standards for all attorneys representing the best interests of children.
- Provide oversight of the practice of GALs to ensure compliance with the established minimum standards.
- Create local oversight entities in each of Colorado's 22 judicial districts to oversee the provision of services and to report to the OCR director concerning the practice of GALs.
- Establish fair and realistic compensation for state-appointed GALs.
- Work with Court-Appointed Special Advocates (CASA) to develop local CASAs in each of the 64 counties statewide.
- Enhance funding resources for CASA.
- Work cooperatively with CASA to provide statewide CASA training.
- Serve as a resource for attorneys.

- Develop measurement instruments to assess and document the effectiveness of various models of representation.

See § 13-91-101 *et seq.*, C.R.S. The office's paramount mandate is to provide competent attorney services through a comprehensive and properly funded program.

D. MULTIDISCIPLINARY LAW OFFICES

1. OCR EL PASO COUNTY GAL OFFICE

A model of attorney services that falls under the jurisdiction of the OCR is the OCR's El Paso County GAL Office. The creation of this office as the Fourth Judicial District Pilot Project was in direct response to Senate Bill 99-215 (Long Appropriations Bill), Footnote 135, which directed the Judicial Department to pilot alternative methods of providing GAL services. This "staff model" office is in its twelfth year of operation. The model employs 13 attorneys and five case coordinators. The case coordinators are social service professionals, and they supplement the attorney services by providing, for example, analyses of treatment needs, meaningful participation in case staffings, communication with treatment providers, and observation of parent/child visits. Each of the employees at this office is a FTE.

2. PILOT MULTIDISCIPLINARY LAW OFFICES IN DENVER AND ARAPAHOE COUNTIES

In 2003, the General Assembly instructed the OCR in SB 03-258, Footnote 118, to study alternative methods of providing GAL services in D&N cases. Specifically, the General Assembly instructed the OCR to explore whether it could implement a multidisciplinary office in Denver similar to the OCR El Paso County GAL Office, employing both attorneys and professionals with social work or related backgrounds.

For several years, the OCR explored how to best pursue a pilot multidisciplinary GAL office in Denver. Initial start-up costs posed a barrier; while the ongoing use of multidisciplinary offices may ultimately be more cost-effective and cost-stabilizing than individual contracts, the initial costs of establishing such offices are significant. Additionally, given the state's ongoing budget challenges, establishing a system that would require additional FTEs was not feasible.

In early 2010, the OCR determined that a Request for Proposal (RFP) process for establishing multidisciplinary law offices was the best means for implementing the legislature's request. In May 2010, the OCR issued RFPs for the creation of offices in Denver and Arapahoe counties. The OCR ultimately entered into contracts with three entities to serve as pilot multidisciplinary offices: Rocky Mountain Children's Law Center to provide GAL services in D&N cases in two divisions of Denver Juvenile Court; Radley & Southerland, LLC to provide GAL services in D&N cases in one division of Denver Juvenile Court; and Bettenberg, Sharshel & Maguire, LLC to provide GAL services in D&N and JD cases in Arapahoe County. These offices operate as multidisciplinary law offices under the OCR's pilot project over a 36-month period, January 1, 2011 through December 31, 2013.

The OCR believes the new pilot offices will enhance GAL representation in Colorado by employing and training new attorneys interested in becoming GALs, promoting an institutional presence in the courtrooms and courthouses in which they serve, and engaging in more contact

with the children whose best interests they are appointed to represent. These pilot offices will also allow the OCR to assess the effectiveness of various models of legal service provision pursuant to its legislative mandate, as the OCR now employs three unique models: contracts with private attorneys; a multidisciplinary state-employee GAL office in El Paso County; and contracts with private entities to provide multidisciplinary services.

3. EVALUATION OF MULTIDISCIPLINARY LAW OFFICES AND EL PASO COUNTY GAL OFFICE

The OCR has partnered with the University of Denver Graduate School of Social Work to evaluate the effectiveness of the multidisciplinary law office as a model of delivering legal services to children in juvenile court proceedings. The evaluation, which is underway, specifically focuses on understanding how the OCR's multidisciplinary law offices function and whether this service delivery model has enhanced GAL practice in Arapahoe, Denver, and El Paso counties. This evaluation will enable the OCR to compare its attorney service models in terms of time spent in contact with children, in the courtroom, and on independent investigation. The evaluation will also enable the OCR to compare the different models using outcome measures such as average number of placements throughout the life of a case and average length of case.

This evaluation is scheduled to be completed by June 2013, and the information obtained from the evaluation will assist the OCR in identifying effective practices for multidisciplinary offices, determining whether to continue providing services in Denver and Arapahoe counties through multidisciplinary law offices, and assessing whether to expand the use of multidisciplinary law offices to other jurisdictions.

II. THE OCR'S FIVE-YEAR STRATEGIC PLAN

- A. VISION:** Each Colorado child in need of a best interests attorney (GAL, CLR, or attorney serving as CFI) will receive comprehensive legal advocacy from an attorney who has expertise in pediatric law and who will diligently, zealously, and effectively represent the child's best interests and promote the child's safety, well-being, and voice throughout all aspects of the case. These services will be provided in a cost-effective manner.

B. EFFECTIVE GAL SERVICES

GOAL 1: The OCR will provide effective best interests attorney services by contracting with skilled and qualified attorneys.						
Key Measures	FY 09 Actual	FY10 Actual	FY 11 Actual	FY 12	FY 13	FY 14
1.A. OCR will contract with attorneys who meet the education and training qualifications set forth by applicable Chief Justice Directives (CJDs).	100%	100%	100%	Target: 100%	Target: 100%	Target: 100%
				Actual: 100%	Actual:	Actual:
1.B. OCR will contract with attorneys who demonstrate substantial compliance with applicable CJDs and take appropriate action on the contract of any attorney determined to not be in compliance with applicable CJDs.	100%	100%	100%	Target: 100%	Target: 100%	Target: 100%
				Actual: 100%	Actual:	Actual:
1.C. OCR will assess the practice of D&N contract attorneys to ensure each attorney integrates Cornerstone Advocacy principles into his/her legal representation by frontloading investigation and advocacy focused on visits, placements, services, and education.	NA	NA	NA	Target: 100% of D&N GALs in 3 judicial districts	Target: 100% of D&N GALs in 3 judicial districts	Target: 100% of D&N GALs in 3 judicial districts
				Under assessment		
1.D. OCR will communicate its performance expectations (see Measures 1.B and 1.C), assessment criteria, and assessment results to attorneys each year.	NA	NA	NA	NA	Target: 100%	Target: 100%
					Actual:	Actual:
1.E. OCR will investigate written complaints concerning best interests attorneys and provide a formal resolution of the investigation to the complainant and subject attorney.	100%	100%	100%	Target: 100%	Target: 100%	Target: 100%
				Actual: 100%	Actual:	Actual:
1.F. OCR will maintain and provide to each Judicial District a list of a sufficient number of	100%	100%	100%	Target: 100%	Target: 100%	Target: 100%

qualified attorneys eligible for best interests appointments in the district.				Actual:	Actual:	Actual:
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Key OCR Activities to Meet this Goal: The OCR's mandate is to ensure quality best interests legal representation for Colorado's children. Identified problems with GAL representation and the unique vulnerability of children motivated the OCR's creation. The OCR has worked to improve best interests representation by identifying and developing standards for best interests attorneys, implementing a selection and contracting process, formalizing a complaint process, and communicating expectations and feedback to contract attorneys.

1. Identification and Development of Standards

In Colorado, expectations for attorneys under contract with the OCR are set forth in statute, the OCR's contract, and Chief Justice Directives (CJDs). CJD 04-06 sets forth standards for OCR contract attorneys on all case types, and CJD 04-08 sets forth standards for anyone serving as a Child and Family Investigator (CFI) in Colorado, including attorneys under contract with the OCR to provide such services when the parties are determined indigent by the appointing court. Pursuant to its statutory mandate, the OCR makes recommendations to the Chief Justice of the Colorado Supreme Court on the standards embodied in Chief Justice Directives (CJD) 04-06 and 04-08. As these CJDs set forth the minimum qualification and performance expectations for attorneys serving as GALs, CFIs, and CLRs, the OCR's strategic plan measures concerning qualifications and performance of its attorneys (Key Measures 1.A and 1.B) focus on whether it is contracting with attorneys who meet the standards set forth in those directives with an emphasis on the following: in-placement contact with children and youth; ongoing contact with children and youth; and independent investigation of collateral sources. In 2011, the Chief Justice, with OCR's input, revised CJD 04-06 to require GALs and CLRs to assess the child/youth's position on matters in determining what is in the child/youth's best interests and to inform the court of each child/youth's position on matters before the court. The OCR will ensure its contract attorneys are also fulfilling those priority requirements.

2. OCR's Annual Contract Process and Ongoing Evaluation and Assessment of OCR Attorneys

The OCR engages in a comprehensive evaluation strategy, consisting of the following: a statewide annual contract/appraisal process; monitoring of contract attorney activity through billing statements and available electronic databases; and auditing of attorneys on an as-needed basis.

Statewide Annual Contract/Appraisal Process: In the first year (2002) of the OCR's operations, the Executive Director traveled to all 64 counties in the state to assess and investigate the quality of attorney services. Within that same year, the OCR required every attorney, whether currently practicing as a GAL or interested in providing services in the upcoming year, to participate in an application and interview process. At the conclusion of this process, the OCR contracted with over 200 attorneys and chose not to contract with many who were not meeting the OCR's set

standards of practice. The OCR has continued an annual application and interview process since 2002.

The OCR's current contract process includes a series of steps. The OCR first distributes an objective evaluation form to gather feedback on all attorneys who are providing GAL services. The surveys are sent to all CASA agencies, court facilitators, court administrators, and judicial officers throughout Colorado's 22 judicial districts. In Fiscal Year 2012, the OCR expanded its distribution of the survey to include other system stakeholders, including but not limited to, probation officers and attorneys representing other parties in D&N and JD cases. The survey results assist the OCR in reviewing the competency and quality of attorney services. The office then requires all attorneys, regardless of whether they have existing contracts or are new applicants, to complete a new application. Every application is considered, as contracts are not automatically renewed.

Each year, OCR attorney staff (including the Director and Deputy Director) conduct meetings with key stakeholders in each of the 22 judicial districts to assess attorney services and to learn how the OCR can better serve its attorneys and each community. Typically, the OCR meets with judicial officers and staff, CASA programs, and attorneys with existing contracts. While the majority of these meetings are conducted in-person, conference calls are occasionally used if necessary to accommodate the stakeholders' schedules. The OCR interviews new applicants if necessary to fulfill the needs of the district.

If any concerns are identified about an attorney during this process, the OCR conducts further targeted assessment of the services the attorney is providing. Examples of such targeted assessments include auditing the attorney's contacts with children in placement and appearances in court. Upon completion of its annual evaluation process, the OCR compiles its annual list of attorneys eligible for appointment in each judicial district, distributes it to judges and court officers in each judicial district by July 1 of the upcoming fiscal year, and prepares yearly contracts for attorneys on its list.

The OCR's annual appraisal process serves as an effective method of monitoring attorney services and ensures that only the most qualified attorneys provide legal representation for children. It also helps the OCR address systemic needs within each jurisdictional district, such as the need for additional or fewer attorneys, training on a specific issue, or the facilitation of communication between local actors within the system. Taking the time to personally meet with the stakeholders in each judicial district also allows the OCR to learn about the existing provision of services, areas in need of improvement, and ways in which it can serve as a better resource within that community. Finally, the information provided from the annual appraisal process allows the OCR to monitor systemic issues in attorney performance and is a helpful indicator of OCR's progress towards its overall vision.

In the upcoming years, the OCR intends to expand its evaluation process to include feedback from the children and youth whose best interests are represented by its attorneys, as well as the parents and caretakers who interact with them.

AnyCase: The OCR recognizes the need for data-driven assessment of services and, as such, has instituted an online case management and billing system known as AnyCase. AnyCase was created by the nonprofit KidsVoice USA, LLC. AnyCase allows attorneys to maintain a

comprehensive electronic file for each child they serve. Attorneys can record details about placement, visits with children and contact with other parties/professionals/witnesses, outcomes of court appearances, school and treatment provider information, and duration of placements. GALs can quickly access relevant information for each child and run systemic reports in order to self-monitor their compliance with practice standards (e.g., running a report to ensure that all home visits have been conducted within thirty days of placement).

AnyCase significantly improves the OCR's ability to perform comprehensive systemic monitoring of attorney performance and progress towards meeting its vision/goals. The OCR is working with KidsVoice to tailor AnyCase to the OCR's unique oversight needs. Although the OCR does not have access to attorney work product, the reports available through AnyCase will allow the OCR to efficiently run reports on key indicators of attorney performance, such as in-placement contact with children, other contacts with children and other parties, court appearances, and attendance at staffings. With the implementation of AnyCase, the OCR has also required attorneys to enter all activity within 30 days, allowing more timely access to attorney performance data.

Assessment of Integration of Cornerstone Advocacy Principles: The Cornerstone Advocacy model employed by New York's Center for Family Representation has received much national attention for the impressive outcomes it has demonstrated with families involved in the child welfare system, including increased family placement, a shorter length of time in out-of-home care, and lower reentry rates. This model of representation, as adapted by the OCR for GAL practice in D&N proceedings, mandates intensive advocacy within the first 60 days of a case focused on four cornerstones: appropriate placement, meaningful and frequent visits, creative and accessible services, and education/life skills. This model requires "small adjustments" in attorney practice, such as taking time at the first visit/court appearance to talk to children and parents about potential visit "hosts" (appropriate individuals outside of the department of social services who may be able to safely supervise more frequent visitation than department of social services staff can supervise), and requires attorneys to be well-versed in department regulations in addition to the statutes governing the proceedings. The OCR has implemented Cornerstone Advocacy in Colorado through training and provision of resource materials supportive of Cornerstone Advocacy.

Assessment of GALs' integration of Cornerstone Advocacy into their representation of the best interests of children in D&N proceedings requires an in depth examination of not only how they spend their time, which can be measured through AnyCase, but also the substantive aspect of their work. For example, assessing whether D&N GALs are thoroughly investigating and advocating for frequent and meaningful visits in any given case requires an understanding of the unique factors supporting or impairing visits in the case and the substance of the GAL's advocacy regarding visits. Such data is not readily available through AnyCase. The OCR will do an in-depth examination of a small sample of cases from each attorney in three judicial districts every year to determine whether attorneys with whom it is contracting in those districts are integrating Cornerstone Advocacy into their representation.

3. OCR's Complaint Process

One of the OCR's first activities was to establish a formal complaint process. This process remains in existence and serves as another mechanism for ensuring that attorneys under contract with the OCR are meeting performance expectations. OCR attorney staff investigates every

submitted complaint concerning an OCR contract attorney. Complaint forms are available on the OCR's website, and hard copies are made available upon request. A complaint must be submitted in writing. While the specifics of each investigation vary depending on the nature of the complaint, the investigation typically involves interviews with the attorney, the complainant and other stakeholders and/or witnesses, including foster parents, judicial officers, county attorneys, parents' counsel, and caseworkers. A review of the case file and other relevant documents is often warranted.

Founded complaints lead to further investigation of the attorney's performance. While each circumstance is unique, the OCR typically engages in an audit of the attorney's work in order to determine whether the founded complaint was an anomaly or indicative of a pattern of poor performance. When warranted, the OCR places the attorney on a corrective action plan or terminates the attorney's contract. The OCR also determines whether it is necessary to remove the attorney from existing appointments. The OCR closes each complaint by providing a formal resolution of the investigation to the complaining party and the attorney.

4. Communication with Attorneys Under Contract with the OCR

An important component of ensuring attorneys under contract with the OCR are in compliance with applicable standards involves providing feedback to attorneys on the standards being measured and whether attorneys are in compliance. Without such information, attorneys may not realize the need to remedy aspects of their best interests representation of children. The OCR has identified that some GALs are uncertain of the assessment criteria used in contracting decisions. Beginning in Fiscal Year 2013, OCR will formally provide GALs with performance criteria and convey the results of assessments and evaluations.

C. EFFICIENCIES IN ATTORNEY SERVICES

GOAL 2: The OCR will provide cost-effective best interests attorney services.						
Key Measures	FY 09 Actual	FY 10 Actual	FY 11 Actual	FY 12	FY 13	FY 14
2.A. OCR will set presumptive maximum fees that contract attorneys may bill on each case type.	100%	100%	100%	Target: 100%	Target: 100%	Target: 100%
				Actual: 100%	Actual:	Actual:
2.B. OCR staff will, as appropriate, approve attorney requests for payment in excess of the presumptive maximum fees.	100%	100%	100%	Target: 100%	Target: 100%	Target: 100%
				Actual: 100%	Actual:	Actual:

2.C. OCR will provide litigation support to contract attorneys by maintaining its motions bank and providing each GAL in D&N proceedings a copy of the Guided Reference in Dependency (GRID).	100%	100%	100%	Target: 100%	Target: 100%	Target: 100%
				Actual: 100%	Actual:	Actual:
2.D. OCR will require all contract attorneys to be members of its listserv.	100% of attorneys	100% of attorneys	100% of attorneys	Target: 100% of attorneys	Target: 100% of attorneys	Target: 100% of attorneys
				Actual: 100%	Actual:	Actual:
2.E. OCR will provide each contract attorney with access to federal and state law updates and current legal, social science, and best practice standards through case consultation, its listserv, and its online resource center.	100%	100%	100%	Target: 100%	Target: 100%	Target: 100%
				Actual: 100%	Actual:	Actual:
2.F. The OCR will determine the cost efficacy and effectiveness of various models of representation through ongoing evaluation of the El Paso GAL Office and contract multidisciplinary staff offices.	N/A	Issue Request for Proposals	OCR established pilot offices on 1/1/2011 and Data Collection Begins	Data Collection Continues	Data Collection Continues with Assessment due 6/30/13	Assessment complete

Key OCR Activities to Meet this Goal: The OCR works to ensure reasonable billing through the establishment of presumptive maximum fees for each case type, ongoing comparison of attorneys' bills statewide and by jurisdiction for each case type, and periodic audits of attorneys' billing activity.

The OCR supports efficient use of attorney time through its maintenance of a motions bank and listserv, and it also publishes summaries of recent cases and other developments in juvenile law. These activities promote efficiencies in attorney practice, allowing attorneys to draw on the experience and efforts of other attorneys instead of recreating what has already been done. OCR attorney staff also serves as a resource to OCR attorneys; assisting them with questions on individual cases and linking them to other attorneys with expertise in particular subject areas.

In Fiscal Year 2011, the OCR secured grant funding to publish a comprehensive advocacy guide for GALs in D&N proceedings.¹ The Guided Reference in Dependency (GRID) covers the main hearings that occur in D&N cases, detailing statutes and seminal cases governing the hearings and containing checklists and practice tips for GALs. Fact sheets highlight key aspects of issues that arise in D&N cases. In the fall of 2012, physical copies of the approximately 500 page GRID were made available to all GALs.

The OCR's multidisciplinary staff office pilot program is an endeavor allowing the OCR to explore another method of providing efficiencies in GAL practice. A multidisciplinary law office is staffed by attorneys, paralegals, and social service professionals which form a "case team" in order to provide best interests representation. This model of representation is recommended by national organizations including the National Association of Counsel for Children.

Through an RFP process, the OCR has contracted with three law offices to provide multidisciplinary GAL services in Denver and Arapahoe Counties. Subject to caseload limits and conflict of interest prohibitions on handling specific cases, the Arapahoe County office will provide representation on D&N and JD cases in that county, while the two offices in Denver will be responsible for providing representation in D&N cases in specific courtrooms. Social work staff are anticipated to enhance the quality of representation in a cost-effective manner, and the OCR's contracts with the offices require more frequent contact with children than the standards set by CJD 04-06.

OCR has partnered with the University of Denver Graduate School of Social Work to evaluate the effectiveness of the multidisciplinary law office as a model of delivering legal services to children in juvenile court proceedings. The study began in Fiscal Year 2013 and focuses on understanding how the multidisciplinary law offices function and whether the model has enhanced GAL practice in Arapahoe, Denver, and El Paso counties.

¹ The guide also includes advocacy for parents' counsel and was provided to judicial officers, county attorneys, and CASA programs.

D. TRAINING

GOAL 3: The OCR will ensure attorneys with whom it contracts to provide best interests legal representation remain current in best practices and their knowledge of state and federal law and regulations, social science research, and evidence-based practices impacting the provision of services.						
Key Measures	FY 09 Actual	FY 10 Actual	FY 11 Actual	FY 12	FY 13	FY 14
3.A. OCR will require GALs to attend 10 hours of OCR-sponsored training each fiscal year.	100%	100%	99%	Target: 100%	Target: 100%	Target: 100%
				Actual: 100%	Actual:	Actual:
3.B. OCR will host two statewide conferences each fiscal year.	Two	Two	Three	Target: Two	Target: Two	Target: Two
				Actual: Three	Actual:	Actual:
3.C. OCR will sponsor brown bag and electronic trainings and notify GALs of other relevant training opportunities.	Six	Nine	Eight	Target: Six	Target: Six	Target: Six
				Actual: Seven	Actual:	Actual:
3.D. OCR will publish a quarterly newsletter.	NA	NA	NA	NA	Target: Three	Target: Four
					Actual:	Actual:
3.E. OCR will provide judicial officers, Court Appointed Special Advocates (CASA), and other system stakeholders access to the OCR's trainings and electronic training materials.	Yes	Yes	Yes	Target: Yes	Target: Yes	Target: Yes
				Actual: Yes	Actual:	Actual:

Key OCR Activities to Meet this Goal: Another important component of improving the quality of legal representation for children is the provision of ongoing, meaningful training tailored to the specialized needs of attorneys representing children. A child-sensitive legal system depends

upon a bench and bar of considerable sophistication and competence, in not only the law, but also on issues unique to children. When representing children's best interests, lawyers must, in addition to their legal skills, be able to draw upon interdisciplinary knowledge from such pertinent fields as psychology, sociology, social work, and medicine. Federal law recognizes this by requiring states receiving child welfare funds to certify that each GAL appointed in a D&N proceeding has received training appropriate to the role. Children are best served by the legal child welfare system when judges also understand the social, developmental, and psychological implications of events that take place in a child's life, including the decisions that the judge makes on their behalf. Pediatric law remains a developing area of expertise, and new information about the complex needs of children and families emerges every year. Appropriately, the OCR is mandated to provide ongoing, accessible, and meaningful training to attorneys and judges.

The OCR has met this mandate through a comprehensive training program. Each year, the OCR has sponsored at least two statewide conferences for its attorneys and other stakeholders; provided ongoing training through brown bag sessions, jurisdiction-specific trainings, and topic-specific DVDs or webinars; and collaborated with other entities to maximize cross-systems training opportunities. The OCR is increasingly using electronic means, including webinars and on-line dissemination of training materials, to maximize accessibility of its training. Additionally, the OCR held two intensive advocacy skills training in Fiscal Year 2012. This two-day program has provided refresher sessions on litigation skills to a select group of attorneys and allows them to practice those skills in the context of a realistic but fictional D&N case scenario.

In Fiscal Year 2014, the OCR intends to continue to provide at least two annual statewide conferences, ongoing webinars, additional advocacy skills trainings, and access to other training opportunities for its contract attorneys, judicial officers, and other stakeholders. The OCR will continue to issue periodic newsletters, maintain and expand its motions bank, and explore other means of maximizing the timeliness, relevance, and quantity of information and practice materials provided to attorneys with whom it contracts.

E. COMPENSATION

GOAL 4: Establish fair and realistic compensation for state-appointed best interests attorneys.						
Key Measures	FY 09 Actual	FY 10 Actual	FY 11 Actual	FY 12	FY 13	FY 14
4.A. OCR will pay attorneys on a fee-for-service basis to allow sufficient time for effective investigation, preparation, and advocacy.	100%	100%	100%	Target: 100%	Target: 100%	Target: 100%
				Actual: 100%	Actual:	Actual:

4.B. OCR will pay attorneys a rate of compensation commensurate to other public sector attorneys.	\$65/hr	\$65/hour	\$65/hr	Target: \$65/hr	Target: \$65/hr	Target: \$65/hr
				Actual: \$65/hr	Actual:	Actual:
4.C. OCR will consider attorneys' request for payment of experts, litigation support, and other resources necessary for effective and independent case preparation and advocacy.	100%	100%	100%	Target: 100%	Target: 100%	Target: 100%
				Actual: 100%	Actual:	Actual:

Key OCR Activities to Meet this Goal: It is the statutory mandate of the OCR to “establish fair and realistic rates of compensation” in order to enhance the legal representation of children. §13-91-105, C.R.S. Fair and realistic compensation is critical to maintain a pool of dedicated and skilled GALs and to allow them adequate time to effectively advocate for the safety, well-being, and best interests of each child on their caseload. The OCR has taken three main steps to achieve this goal: elimination of the flat fee payment structure and conversion to a statewide fee-for-service payment structure; elimination of the discrepancy between in-court and out-of-court rates; and working with the JBC and the General Assembly to bring the rate of compensation closer to a fair and realistic rate.

The conversion to fee-for-service compensation was a critical first step. Prior to this conversion, attorneys providing best interests representation in a majority of D&N cases were paid a flat rate to cover two years' worth of work on a case. The rate remained the same, regardless of the number of hours actually dedicated to a case, and contemplated an unreasonably low number of hours to be dedicated to each appointment. By Fiscal Year 2007, OCR attorneys statewide were converted to hourly pay; providing more accountability and accuracy in billing and enabling the requisite amount of time to be dedicated to each case. Additionally, because the time best interests attorneys spend meeting with children, investigating, and advocating in staffings and other meetings is as critical to preserving their safety and well-being as in-court advocacy, the OCR worked with the JBC to eliminate in Fiscal Year 2007 a then-existing discrepancy between the rates for in-court and out-of-court work.

Finally, the OCR has worked to bring the rate of compensation to a level closer to that of other public sector attorneys. During Fiscal Year 2007, the JBC requested the OCR to develop a long-range plan for the conversion of the hourly rate to an equitable rate. The OCR's goal was to compensate attorneys at a rate of \$75 per hour by Fiscal Year 2009, and then to continue to work with the Office of Alternate Defense Counsel and the Office of the State Court Administrator to determine appropriate methodologies for ongoing adjustment of the rate.

Attorneys under contract with the OCR are currently compensated at a rate of \$65 per hour. Mindful of the current financial crisis, the OCR has not sought an increase in compensation in its recent budget requests, and it is not requesting an increase in this year's request. However, in order to continue to recruit and retain qualified and dedicated attorneys, the OCR will continue to work towards fair and realistic compensation for attorneys in the form of future budget requests when the state's budget situation will support such requests.

In addition to the changes to the OCR's payment structure, the OCR has also worked to provide attorneys with the necessary independent experts, litigation support, and other resources to effectively advocate for the safety and best interests of children. OCR requires attorneys to justify requests for such experts, support, and resources, and OCR staff scrutinizes such requests.